8. 2008SP-014U-13

Sambukka's Barber & Styling Studio

Map: 136-00 Parcel: 044

Subarea 13

Council District 29 - Vivian Wilhoite

A request to change from R10 to SP-MNR zoning for property located at 2635 Smith Springs Road, approximately 650 feet west of Bell Road (0.28 acres), to permit personal care services in an existing 1,792 square foot dwelling, requested by J2 Designs, applicant, for Amanullah Kwaga, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to change approximately 0.28 acres located at 2635 Smith Springs Road, approximately 650 feet west of Bell Road from One and Two-Family Residential (R10) to Specific Plan-Mixed Use Non-Residential (SP-MNR) zoning to permit personal care services and office uses.

Existing Zoning

R10 District - <u>R10</u> requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

Proposed Zoning

SP-MNR District - <u>Specific Plan-Mixed Non-Residential</u> is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes office and commercial uses.

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Neighborhood Center (NC) - NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? Yes. The proposed plan, with the inclusion of the recommended conditions, is consistent with the intent of the Neighborhood Center Policy.

PLAN DETAILS The property is located on the south side of Smith Springs Road just west of Bell Road. A residential structure currently exists on the property, and the property is surrounded by other residential uses.

The SP calls for the existing residential structure to be converted to a barber shop (personal care services). The SP also would allow for the structure to be used for an office or combination of the two uses. Ingress will be provided from a drive located west of the existing building and egress will be from a drive east of the existing building. A total of 11 on-site parking spaces are shown. All parking is located to the rear of the structure. A 6' tall solid split faced masonry wall will be provided along the western property line, and a 6' tall solid wood fence is shown along the southern and eastern property lines.

Analysis While the requested use is consistent with the area's NC policy the property is surrounded by existing residential uses, and it is important to ensure that the SP will not have a negative impact on these residences. With the right site requirements, any negative impact to the surrounding area can be limited as the proposed barber shop and office uses for this SP are not intense in nature.

Buffering the proposed SP from the existing residential uses is a key site element that can help reduce the development's impact on surrounding area. The western and southern property lines on the site are also the

outer edges of the Neighborhood Center policy. The properties to the immediate south and west are in a residential policy and more emphasis on screening is needed along these shared property lines.

To provide buffering for the residential property to the west, the plan calls for a 6' tall solid split faced masonry wall to run from the front setback line to the rear property line. This is sufficient as it provides adequate screening of the SP from the home. The use of a solid concrete wall also signifies the dividing line between the two policy areas. A 6' tall solid wood privacy fence is shown along the southern property line, and because this property line is a shared rear property line then the proposed wood fence is adequate.

The property to the east is a residential structure but is within the NC policy. To ensure that the existing use is protected a 6' tall solid wood privacy fence is needed and should run from the front setback line to the rear property line. This fence can be temporary and could be removed if and when the property to the east develops as a nonresidential use.

Coordination and management of curb cuts along roadways is important within NC policy areas and along this section of Smith Springs Road. To allow for coordinated access with the adjacent property to the east, a shared access easement is needed. The easement will give the Planning Commission the opportunity to look at shared access if the site to the east develops as a nonresidential use.

To further limit the negative impacts the proposed SP could have on neighboring residential properties, planning staff recommends that further conditions addressing signs, be placed on the site.

RECENT REZONINGS None

STORMWATER RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. The proposed SP meets the intent of the area's Neighborhood Center policy and with the recommended conditions of approval, the SP should not have a negative impact on the surrounding residential uses.

CONDITIONS

- 1. A 6' tall solid wood privacy fence shall be constructed along the eastern property line. Fence shall run from the front setback line to the rear property line. Removal of the fence shall be approved by the Planning Commission or Planning Director, and shall not be approved until such time that the adjacent property to the east is zoned to a nonresidential use.
- 2. A 6' tall solid masonry wall shall be constructed along the western property line and shall run from the front setback line to the rear property line.
- 3. Signage shall be limited to one free standing sign that shall not be more than 5 feet in height and may not exceed 20 square feet in size. Signs shall not be illuminated. No other signs other than directional signs as specified in the Metro Zoning Code shall be allowed.
- 4. Any modification to the existing building that will increase the total floor area or reduce total parking spaces shall be approved by the Planning Commission or the Planning Director and may require Council approval.
- 5. A shared access easement along the eastern property line shall be platted or recorded by instrument with the Davidson County Register of Deeds Office prior to the issuance of any building permits for the SP. The easement shall be 15' in width and run from the front property line to the rear property line.

- 6. A sidewalk is required along Smith Springs Road and must be constructed upon the issuance of any building permits for the SP. Construction plans for the sidewalk must be submitted to the Department of Public Works for approval.
- 7. The only uses allowed in this SP are personal care services and office. All other uses are prohibited.
- 8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.
- 9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
- 10. Minor adjustments to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
- 11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with conditions, (9-0) Consent Agenda

Resolution No. RS2008-157

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-014U-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

- 1. A 6' tall solid wood privacy fence shall be constructed along the eastern property line. Fence shall run from the front setback line to the rear property line. Removal of the fence shall be approved by the Planning Commission or Planning Director, and shall not be approved until such time that the adjacent property to the east is zoned to a nonresidential use.
- 2. A 6' tall solid masonry wall shall be constructed along the western property line and shall run from the front setback line to the rear property line.
- 3. Signage shall be limited to one free standing sign that shall not be more than 5 feet in height and may not exceed 20 square feet in size. Signs shall not be illuminated. No other signs other than directional signs as specified in the Metro Zoning Code shall be allowed.
- 4. Any modification to the existing building that will increase the total floor area or reduce total parking spaces shall be approved by the Planning Commission or the Planning Director and may require Council approval.
- 5. A shared access easement along the eastern property line shall be platted or recorded by

- instrument with the Davidson County Register of Deeds Office prior to the issuance of any building permits for the SP. The easement shall be 15' in width and run from the front property line to the rear property line.
- 6. A sidewalk is required along Smith Springs Road and must be constructed upon the issuance of any building permits for the SP. Construction plans for the sidewalk must be submitted to the Department of Public Works for approval.
- 7. The only uses allowed in this SP are personal care services and office. All other uses are prohibited.
- 8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.
- 9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
- 10. Minor adjustments to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
- 11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed SP-MNR is consistent with the Antioch/Priest Lake Community Plan's Neighborhood Center policy which is intended for small, intense area that may contain multiple functions and are intended to act as local center of activities."